

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57757 of 2022

Arising Out of PS. Case No.-474 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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KANHAIYA KUMAR Son of Late Kameshwar Sahani R/V- East Gopalpur,
Raja Bazar, Ward No. 36, Near Railway Line Gopalpur, P.S-Town Motihari,
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 448, 342,
323, 324, 307, 379, 504, 506 of the Indian Penal Code.

According to prosecution case, in brief, is that the
informant Nikhil Kumar Verma gave a written statement to the
S.H.O. police station stating therein that informant along with
his two brothers live on rent in Baleshwar Pathak house at Raja
Bazar Purvi Gopalpur, Motihari. Further, alleged that on
24.07.2021, all F.I.R. named accused persons along with two
unknown persons suddenly entered informant's room and tried
to kidnapped his brother Navneet Nihal on a gun point and also



tried to threaten informant by pointing the gun on informant and told his fellow accused to stab and kill him. By the intention of killing, accused Kanhaiya Kumar tried to stab his brother in chest but informant and his brother Naveen Kumar tried to save. During this, informant got stabbed on his hand and informant's brother was stabbed on hypogastic region below stomach by this attack. Informant's brother fell on the ground being unconscious. In the meantime, informant started shouting in defence. Hearing informant's voice, people from nearby came to save and seeing all these accused people fled away from the scene and also took cash of Rs.18,000/- from informant's box and a cycle cost around Rs.4,000/-.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per allegation as alleged in the F.I.R. is that the petitioner has gave knife blow upon the brother of the informant and the informant. He further submits that the injury report of the informant suggest that the injury is simple in nature but the injury report of the brother of the informant suggest that there is one injury is grievous in nature cause by the sharp cut weapon and another is simple in nature caused by the hard and blunt substance. He



further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 07.03.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sessions Trial No. 763 of 2022 arising out of Town P.S. Case No. 474 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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